

# HOUSE . . . . . No. 1329

By Mr. Miceli of Wilmington, petition of James R. Miceli and others relative to the membership of the Middlesex Canal Commission. Environment, Natural Resources and Agriculture.

## The Commonwealth of Massachusetts

### PETITION OF:

James R. Miceli  
Bruce E. Tarr

Charles A. Murphy

In the Year Two Thousand and Five.

### AN ACT RELATIVE TO THE MIDDLESEX CANAL COMMISSION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 1 of chapter 403 of the acts of 1977, as  
2 amended by section 1 of chapter 51 of the acts of 1982, is hereby  
3 further amended by striking out the first sentence and inserting in  
4 place thereof the following sentence:— There is hereby estab-  
5 lished the Middlesex Canal Commission, hereinafter called the  
6 commission, to consist of 1 member of the house of representa-  
7 tives to be appointed by the speaker of the house of representa-  
8 tives; 1 member of the senate to be appointed by president of the  
9 senate, 1 person, with alternates, to be appointed by the chief  
10 administrative official of each of the municipalities of Lowell,  
11 Chelmsford, Billerica, Wilmington, Woburn, Winchester, Med-  
12 ford, Somerville and Boston; the commissioner of the department  
13 of conservation and recreation, ex officio, or his designee; the  
14 commissioner of the Massachusetts highway department, ex  
15 officio, or his designee; the executive director of the Metropolitan  
16 Area Planning Council and the executive director of the Northern  
17 Middlesex Council of Government.

1     SECTION 2. Section 2 of said chapter 403 is hereby amended  
2 by striking out the fourth paragraph and inserting in place thereof  
3 the following paragraph:—

4     The commissioner will consider the feasibility and make rec-  
5 ommendation to the commissioner of the department of conserva-  
6 tion and recreation regarding the establishment, ownership and  
7 operation of a Middlesex Canal State Heritage Park.

1     SECTION 3. Section 2 of said chapter 403 is hereby amended  
2 by striking out the fourth paragraph, inserted by section 2 of  
3 chapter 51 of the acts of 1982, and inserting in place thereof the  
4 following paragraph:—

5     At least 14 days before the appropriate board of a member city  
6 or town permits or approves an activity or action within 100 feet  
7 of the route of the Middlesex Canal, notice shall be given in  
8 writing to the commission. Failure to notify the commission in  
9 accordance with the provisions of this section will cause the  
10 permit or approval to be deemed rescinded upon written notifica-  
11 tion from the commission to said appropriate board. In the event  
12 that an applicant shall have substantially completed work under  
13 such permit or approval, the commission may, after public  
14 hearing, impose a fine in an amount not to exceed 2 per cent of  
15 the project cost, said fine to be paid to the treasurer of the Mid-  
16 dlesex Canal Commission or its successor organization. The  
17 appropriate boards shall include, but not be limited to, the city  
18 council, board of selectmen, board of aldermen, planning board,  
19 zoning board of appeals, conservation commission, historical  
20 commission, building or public works department.